

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

-v-

06-CR-280-A

DAVID PEROZZI,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, based upon the Plea Agreement entered into between the defendant, DAVID PEROZZI, and the government on or about August 25, 2006, the defendant agreed to the entry of a Preliminary Order of Forfeiture against the sum of Fifty Five Thousand (\$55,000) United States Currency.

THEREFORE, pursuant to Federal Rules of Criminal Procedure Rule 32.2; Title 18, United States Code, Sections 2253(a)(3); and Title 21, United States Code, Section 853, it is hereby;

ORDERED, ADJUDGED and DECREED, that all right, title, and interest, both legal and equitable, the defendant, DAVID PEROZZI, has in the sum of \$55,000 United States currency shall be condemned and forfeited to the United States of America; and it is further

ORDERED, ADJUDGED and DECREED, that pursuant to Title 18, United States Code, Section 2253(a)(3) and Title 21, United States Code, Section 853(g), upon entry of this Preliminary Order of Forfeiture, the court hereby authorizes the Attorney General, through the United States Attorney's Office and the Department of Homeland Security, to seize the property ordered forfeited upon such terms and conditions as the Court has set forth as detailed above; and it is further

ORDERED, ADJUDGED and DECREED, that pursuant to Title 18, United States Code, Section 2253(a)(3) and Title 21, United States Code, Section 853(h), following the seizure of the property ordered forfeited, the United States shall direct the disposition of the property, making due provision for the rights of any innocent persons; and it is further

ORDERED, ADJUDGED and DECREED, that pursuant to Title 18, United States Code, Section 2253(a)(3) and Title 21, United States Code, Section 853(n)(1), the United States shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, and of its intent to dispose of the property in such manner as the Attorney General may direct and

notice that any person, other than the defendant, having or claiming a legal interest in the above mentioned forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in any of the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified; and it is further

ORDERED, ADJUDGED AND DECREED, that upon adjudication of all third-party interests, this Court will enter a Final Order of

Forfeiture pursuant to Federal Rules of Criminal Procedure Rule 32.2; Title 18, United States Code, Section 2253(a)(3); and Title 21, United States Code, Section 853(l).

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 29 , 2006